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15 *Attorneys for Defendant Google LLC*

16
17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

19 CHASOM BROWN, WILLIAM BYATT,
20 JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
21 individually and on behalf of all similarly
situated,

22 Plaintiffs,

23 v.

24 GOOGLE LLC,
25 Defendant.

26 Case No. 4:20-cv-03664-YGR-SVK

27 **GOOGLE LLC'S ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

28 Judge: Hon. Yvonne Gonzalez Rogers

1 **I. INTRODUCTION**

2 Pursuant to Civil Local Rules 7-11 and 79-5, Defendant Google LLC (“Google”) respectfully
 3 seeks to seal certain portions of Google’s Opposition to Plaintiffs’ Motion for Class Certification
 4 (Google’s Opposition), which contain Google’s confidential and proprietary information regarding
 5 highly sensitive features of Google’s internal systems and operations that Google does not share
 6 publicly, including various types of Google’s internal projects, data signals, and logs, and their
 7 proprietary functionalities, as well as internal metrics. This information is highly confidential and
 8 should be protected.

9 This Administrative Motion pertains to the following information contained in Google’s
 10 Opposition:

Document	Portions to be Filed Under Seal	Basis for Sealing
Google LLC’s Opposition to Plaintiffs’ Motion for Class Certification	Highlighted Portions at: Pages 4:8, 4:10, 4:11-12, 4:19, 5:1-2, 5:4-7, 5:13, 8:5, 8:10, 8:18, 9:13, 22:28	The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including various types of Google’s internal projects, identifiers and logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity

		threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Exhibit 36 to Broome Declaration Hochman 7/20 Deposition Excerpts	Highlighted Portions at: Page 116:10	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
20 21 22 23 24 25 26 27 28	Exhibit 41 to Broome Declaration Fair 12/14 Deposition Excerpts	Highlighted Portions at: Pages 75:24, 76:5, 76:9, 76:25, 77:7, 77:16-19, 77:22	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including Google's internal projects and identifiers, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its

		important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.	
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Exhibit 44 to Broome Declaration GOOG-BRWN-0002819	Highlighted Portions at: Seal Entirely	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including Google's internal projects and market research, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
	Exhibit 45 to Broome Declaration	Highlighted Portions at:	The information requested to be sealed contains Google's highly confidential and proprietary information regarding

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	GOOG-BRWN-00477546	Seal Entirely	<p>highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and market research, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>
17 18 19 20 21 22 23 24 25 26 27 28	Declaration of Josef Ansorge In Support of Google's Opposition to Plaintiffs' Motion for Class Certification	Highlighted Portions at: Pages 1:22, 2:17, 3:10, 3:12, 3:16, 3:19-20, 3:22	<p>The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of dated related to Google's logs and internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could</p>

		affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 1 to Ansorge Declaration	Highlighted Portions at: Seal Entirely	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and logs, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Declaration of Jonathan McPhie Regarding Google Disclosures	Highlighted Portions at: Pages 16:15, 16:18, 16:25, 23:10, 23:14, 25:8, 26:11-12, 29:3, 29:5-14, 32:5, 32:22, 33:10	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and logs, and their proprietary functionalities, as

		<p>well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>
15 16 17 18 19 20 21 22 23 24 25 26 27 28	Exhibit 2 to McPhie Declaration GOOG-CABR-05424608	<p>Highlighted Portions at: Seal Entirely</p> <p>The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may</p>

		also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Exhibit 3 to McPhie Declaration GOOG-CABR-05424610	Highlighted Portions at: Seal Entirely	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
22 23 24 25 26 27 28	Exhibit 6 to McPhie Declaration GOOG-CABR-04067825	Highlighted Portions at: Seal Entirely	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's

		<p>competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>
	<p>Exhibit 9 to McPhie Declaration GOOG-BRWN-00030922</p>	<p>Highlighted Portions at: Seal Entirely</p> <p>The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal identifiers and log data, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise</p>

		Google's internal practices relating to competing products.	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Exhibit 10 to McPhie Declaration GOOG-BRWN-00708085	Highlighted Portions at: Seal Entirely	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and log data, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
20 21 22 23 24 25 26 27 28	Exhibit 12 to McPhie Declaration GOOG-BRWN-00229498	Highlighted Portions at: Seal Entirely	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and log data, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and

		maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.	
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Exhibit 13 to McPhie Declaration GOOG-BRWN-00708058	Highlighted Portions at: Sealed Entirely	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and log data, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
	Exhibit 15 to McPhie Declaration GOOG-CABR-	Highlighted Portions at:	The information requested to be sealed contains Google's highly confidential and proprietary information regarding Case No. 4:20-cv-03664-YGR-SVK

1	05435660	Sealed Entirely	highly sensitive features of Google's internal systems and operations, including various types of Google's identifiers and log data, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
18	Exhibit 17 to McPhie Declaration GOOG-CABR-05876957	Highlighted Portions at: Sealed Entirely	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential

		and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.	
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Declaration of Glenn Berntson Regarding Google Ad Manager	Highlighted Portions at: Pages 19-21	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
25 26 27 28	Declaration of George Levitte	Highlighted Portions at: Pages 4:23, 4:25-26, 4:28-5:2, 5:7-9, 5:11-12, 5:13-15	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal pricing and metrics, that

		<p>Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>
	<p>Exhibit 1 to On Amir Declaration 4/15/22 Expert Report of Prof. On Amir</p>	<p>Highlighted Portions at: Pages 2-4, 24-28, 30-35, 41-42, Exhibits 1-13</p> <p>The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at</p>

		an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Exhibit 2 to Amir Declaration 5/20/22 Rebuttal Report of Prof. On Amir	Highlighted Portions at: Pages 3-4, 9, 25-29, 31-33, 42, 45-47, 49, 54, 57-58	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
	Exhibit 3 to Amir Declaration 6/30/22 Supplemental Report of Prof. On Amir	Highlighted Portions at: Pages 13-14, 16-17, 19-25, Exhibit 1.a, Exhibit 1.b	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal

		<p>strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>
	<p>Exhibit 1 to Psounis Declaration 6/7/22 Expert Report of Konstantinos Psounis, Ph.D.</p>	<p>Highlighted Portions at: Pages 3-4, 22-24, 31-32, 38-43, 50-53, 58-59, 65-66, 73, 78, 87-89, 94-95, 105, 107-108, 110-112, 114, 117, 175-184, 187-190</p> <p>The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers and logs, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Exhibit 1 to Schwartz Declaration 6/7/22 Expert Report of Prof. Paul Schwartz	Highlighted Portions at: Pages 35-37, 39-41	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects and policies, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
	Exhibit 1 to Strombom Declaration 5/27/22 Expert Report of Bruce A. Strombom	Highlighted Portions at: Pages i, ii, 1, 3-6, 16-17, 19, 21, 27, 31-37, 39, 41, 44-48, 51-56, 60, 62, 64-76, 78, 80-82, 84-90, 94-96, 98-102, 104-112, Exhibit 2:1-4, Exhibit 5-10.C: all pages Appendix B - Page 1	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the

		<p>protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>	
	<p>Exhibit 2 to Zervas Declaration 6/7/22 Rebuttal Report of Georgios Zervas, Ph.D.</p>	<p>Highlighted Portions at: Pages 9, 53</p>	<p>The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including Google's internal projects, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>

1 **II. LEGAL STANDARD**

2 The common law right of public access to judicial records in a civil case is not a constitutional
 3 right and it is “not absolute.” *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978)
 4 (noting that the “right to inspect and copy judicial records is not absolute” and that “courts have
 5 refused to permit their files to serve as reservoirs of . . . sources of business information that might
 6 harm a litigant’s competitive standing”). Sealing is appropriate when the information at issue
 7 constitutes “competitively sensitive information,” such as “confidential research, development, or
 8 commercial information.” *France Telecom S.A. v. Marvell Semiconductor Inc.*, 2014 WL 4965995, at
 9 *4 (N.D. Cal. Oct. 3, 2014); *see also Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir.
 10 2002) (acknowledging courts’ “broad latitude” to “prevent disclosure of materials for many types of
 11 information, including, but not limited to, trade secrets or other confidential research, development, or
 12 commercial information”).

13 **III. THE ABOVE IDENTIFIED MATERIALS EASILY MEET THE “GOOD CAUSE”
 14 STANDARD AND SHOULD ALL BE SEALED**

15 Courts have repeatedly found it appropriate to seal documents that contain “business
 16 information that might harm a litigant’s competitive standing.” *Nixon*, 435 U.S. at 589-99. Good
 17 cause to seal is shown when a party seeks to seal materials that “contain[] confidential information
 18 about the operation of [the party’s] products and that public disclosure could harm [the party] by
 19 disclosing confidential technical information.” *Digital Reg. of Texas, LLC v. Adobe Sys., Inc.*, 2014
 20 WL 6986068, at *1 (N.D. Cal. Dec. 10, 2014). Materials that could harm a litigant’s competitive
 21 standing may be sealed even under the “compelling reasons” standard. *See e.g., Icon-IP Pty Ltd. v.*
 22 *Specialized Bicycle Components, Inc.*, 2015 WL 984121, at *2 (N.D. Cal. Mar. 4, 2015) (information
 23 “is appropriately sealable under the ‘compelling reasons’ standard where that information could be
 24 used to the company’s competitive disadvantage”) (citation omitted).

25 Google’s Opposition contains confidential and proprietary information as the materials involve
 26 highly sensitive features of Google’s internal systems and operations that Google does not share
 27 publicly. Specifically, this information provides details related to Google’s internal projects, data
 28 signals, and logs, and their proprietary functionalities, as well as internal metrics. Such information

1 reveals Google's internal strategies, system designs, and business practices for operating and
 2 maintaining many of its important services while complying with legal and privacy obligations.

3 Public disclosure of the above-listed information would harm Google's competitive standing it
 4 has earned through years of innovation and careful deliberation, by revealing sensitive aspects of
 5 Google's proprietary systems, strategies, designs, and practices to Google's competitors. That alone is
 6 a proper basis to seal such information. *See, e.g., Free Range Content, Inc. v. Google Inc.*, No. 14-cv-
 7 02329-BLF, Dkt. No. 192, at 3-9 (N.D. Cal. May 3, 2017) (granting Google's motion to seal certain
 8 sensitive business information related to Google's processes and policies to ensure the integrity and
 9 security of a different advertising system); *Huawei Techs., Co. v. Samsung Elecs. Co.*, No. 3:16-cv-
 10 02787-WHO, Dkt. No. 446, at 19 (N.D. Cal. Jan. 30, 2019) (sealing confidential sales data because
 11 "disclosure would harm their competitive standing by giving competitors insight they do not have");
 12 *Trotsky v. Travelers Indem. Co.*, 2013 WL 12116153, at *8 (W.D. Wash. May 8, 2013) (granting
 13 motion to seal as to "internal research results that disclose statistical coding that is not publically
 14 available").

15 Moreover, if publicly disclosed, malicious actors may use such information to seek to
 16 compromise Google's internal systems and data structures. Google would be placed at an increased
 17 risk of cyber security threats, and data related to its users could similarly be at risk. *See, e.g., In re*
 18 *Google Inc. Gmail Litig.*, 2013 WL 5366963, at *3 (N.D. Cal. Sept. 25, 2013) (sealing "material
 19 concern[ing] how users' interactions with the Gmail system affects how messages are transmitted"
 20 because if made public, it "could lead to a breach in the security of the Gmail system"). The security
 21 threat is an additional reason for this Court to seal the identified information.

22 The information Google seeks to redact, including internal projects and their proprietary
 23 functions, is the minimal amount of information needed to protect its internal systems and operations
 24 from being exposed to not only its competitors but also to nefarious actors who may improperly seek
 25 access to and disrupt these systems and operations. The "good cause" rather than the "compelling
 26 reasons" standard should apply but under either standard, Google's sealing request is warranted.

27 **IV. CONCLUSION**

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1 For the foregoing reasons, Google respectfully requests that the Court seal identified portions
2 of Google's Opposition.

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